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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,509

03/25/2004

Koji Ishii

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05/08/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

MAKIYA, DAVID J

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,509

Applicant(s)

ISHII ET AL.

Examiner

David J. Makiya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 3 is objected to because “the light emitting elements” and “the substrate” lack sufficient antecedent basis. For examination purposes, the phrases will be interpreted as “at least one light emitting element” and “a substrate.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Macher et al. (US Patent 6,641,276).

With respect to claim 1, Macher et al. teaches a dial plate for use in an instrument panel of a vehicle, having a segment display area including indexes, comprising laminated patterns of light emitting elements 2, the laminated patterns being formed on a substrate 4 of the dial plate by laminating electroluminescent materials through printing (Column 1, Lines 28-30), and having a specific design corresponding to external data (Column 1, Lines 39-43), wherein a wiring pattern for supplying electric power to the light emitting elements is formed on the substrate as a part of the laminated patterns through printing (Column 2, Lines 65-67). Because the substrate of Macher et al. is a *printed* circuit board 4, it would inherently have a wiring pattern *printed* thereon for supplying power to the elements connected to the printed circuit board.

With respect to claim 3, Macher et al. teaches a method for producing a dial plate for use in an instrument panel of a vehicle, having a segment display area including indexes, comprising the steps of receiving external data (Column 1, Lines 39-43); forming a wiring pattern for supplying electric power (Column 2, Lines 65-67) to at least one light emitting element 2 on a substrate 4 through printing (Column 1, Lines 28-30); and forming laminated patterns on a substrate of the dial plate by laminating electroluminescent materials through printing (Column 1, Lines 19-30), whereby the laminated patterns have a specific design corresponding to the external data (Column 1, Lines 39-43).

Response to Arguments

Applicant's arguments filed 14 March 2006 have been fully considered but they are not persuasive. The amended claims have been rejected as described above.

In response to applicant's arguments, the recitation "dial plate for use in an instrument panel of a vehicle, having a segment display area including indexes" or "method for producing a dial plate for use in an instrument panel of a vehicle, having a segment area including indexes" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. *In re Susi*, 440 F.2d 442, 169

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USPQ 423 (CCPA 1971). In this case, Macher et al. would still apply to the instrument panel of the instant specification because the instrument panel would be an example of a non-preferred embodiment of “a lighting device...in interiors of motor vehicles” (Column 1, Lines 3-5).

In response to applicant's arguments that Macher et al. does not teach a “process for forming patterns of wiring and light-emitting elements,” the reference teaches that an “electroluminescent layer assembly can be applied by...printing” (Column 1, Lines 27-30) and the use of a printed circuit board 4. Because the substrate of Macher et al. is a *printed* circuit board 4, it would inherently have a wiring pattern *printed* thereon for supplying power to the elements connected to the printed circuit board. Macher et al. would therefor teach the process for forming patterns of wiring and light-emitting elements.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krafcik et al. (US Patent 6,465,951) and Hay et al. (US Patent 5,697,322) both teach instrument panels of a vehicle with an electroluminescent light source.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM 04/27/2006


RENEE LUEBKE
PRIMARY EXAMINER